IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

:JUDGMENT:

Secretary, Higher Education and anr. Vs. Sunder Lal Mehta and anr.

D.B. Civil Special Appeal (W) No.346/2004 under Ordinance 18 of the Rajasthan High Court Ordinances, 1949 against the judgment and order dated 22.1.2003 passed in S.B. Civil Writ Petition No.9894/2002.

Date of Judgment: 20.07.2006

PRESENT

Hon'ble Mrs. Gyan Sudha Misra,J.
Hon'ble Dr. Vineet Kothari, J.

Mr. S.S. Sharma, Addl.G.A., for the appellant.
Mr. R.R. Kumawat, for the respondent.

By the Court:

This appeal has been preferred by the State of Rajasthan through Secretary, Higher Education and Director, College Education against the order of the learned Single Judge dated 22.1.2003 by which the writ petition, which also had been filed by the appellants assailing the order of the Rajasthan Civil Services Appellate Tribunal, was dismissed.

The writ petition was dismissed as relief had been granted to the respondent No.1 Sunderlal Mehta, placing reliance on the judgment delivered in the matter of Shakuntla Bhargava Vs. State of Rajasthan, wherein it has been held that even if a lecturer is promoted to the

post of Principal, he or she would be entitled to the benefit of Rule 26-A of the Rajasthan Service Rules, 1951. This judgment had been upheld up to the Division Bench of the High Court as a result of which benefit of this precedent was granted to the respondent also. The Government Advocate could not point out that the judgment delivered in the matter of Shankuntla Bhargava has been over-ruled by the Apex Court. Thus, the view relied upon by the learned Single Judge, having become final, we find no further reason to entertain this appeal against the order of the learned Single Judge.

The appeal, therefore, stands dismissed at the admission stage itself.

[**Dr. Vineet Kothari**],**J.** [**Gyan Sudha Misra**],**J.**

/skm/